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September 3, 2002

BY ELECTRONIC COMMENT FILING SYSTEM

Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

**Re: Report and Request for Waiver of ComScape
Telecommunications of Wilmington License, Inc. for Station
KNLG700 on Implementation of TTY Digital Compatibility
for 911 Emergency Calling
CC Docket No. 94-102**

Dear Ms. Dortch:

On behalf of ComScape Telecommunications of Wilmington License, Inc. ("ComScape"), pursuant to CC Docket No. 94-102, Fourth Report and Order, we hereby submit its report and request for waiver on implementation of TTY digital compatibility for 911 emergency calling for Station KNLG700.

Development Activities

(1) Network infrastructure software development

ComScape is currently in the process of installing a CDMA system provided by Ericsson. ComScape has been unable to obtain a response from Ericsson as to whether Ericsson has developed the software feature required for TTY digital compatibility.

(2) Handset development and testing plans

ComScape is in the process of inquiring about handsets with TTY digital compatibility.

(3) Beta testing and lab testing

The manufacturers are responsible for beta testing and lab testing.

(4) Release and general availability to carriers of network infrastructure software

ComScape has been unable to find out from Ericsson whether Ericsson has developed the software feature required for TTY digital compatibility.

(5) Availability to carriers of full acceptance test units

The availability of handsets with TTY digital compatibility is a prerequisite for full acceptance test units to be available.

(6) Efforts toward achieving digital wireless solution compatibility with enhanced TTY devices

ComScape has been unable to find out from Ericsson as to whether Ericsson has begun the process of making available the software feature required for TTY digital compatibility.

Testing and Deployment Activities**(7) Carrier coordination of testing with PSAP**

ComScape will coordinate testing with the PSAPs once it is confirmed that the software feature required for TTY digital compatibility is installed.

(8) Carrier testing activities, including field testing, consumer end-to-end testing and other necessary tests

Testing will take place once it is confirmed that the software feature required for TTY digital compatibility is installed.

(9) Retail availability of necessary consumer equipment

ComScape is in the process of inquiring about handsets with TTY digital compatibility.

(10) Geographic scope of network infrastructure deployment

Once it is confirmed that ComScape's switch includes the software feature required for TTY digital compatibility or once ComScape upgrades its switch to include

the software feature, TTY digital compatibility will be deployed throughout all parts of the Wilmington, NC BTA where ComScape is capable of providing service to customers.

Request for Waiver

ComScape requests waiver of section 20.18(c) of the Commission's rules.¹ Specifically it seeks an extension of time up to and including June 30, 2003, in which to upgrade its systems to achieve TTY digital compatibility and to integrate TTY digital compatibility with the PSAPs.

Up until now, ComScape has been providing fixed wireless data services only. However, ComScape is now in the process of installing an Ericsson system to provide mobile voice services. The Ericsson switch is supposed to include the latest software features offered by Ericsson. However, ComScape has been unable to obtain a response from Ericsson as to whether the Ericsson switch is capable of delivering 911 calls to the PSAP from TTY devices. ComScape is seeking this waiver in the event that its Ericsson switch will not be capable of delivering 911 calls from TTY devices. On the other hand, if the switch is capable of delivering the 911 calls from TTY devices, this waiver will not be necessary.

Section 1.925(b)(3) of the Commission's rules states:

(3) The Commission may grant a request for waiver if it is shown that:

(i) The underlying purpose of the rule(s) would not be served or would be frustrated by application to the instant case, and that a grant of the requested waiver would be in the public interest; or

(ii) In view of unique or unusual factual circumstances of the instant case, application of the rule(s) would be

¹ Section 20.18(c) states:

(c) TTY Access to 911 Services. Licensees subject to this section must be capable of transmitting 911 calls from individuals with speech or hearing disabilities through means other than mobile radio handsets, e.g., through the use of Text Telephone Devices (TTY).

NOTE to paragraph (c): Operators of digital wireless systems must begin complying with the provisions of this paragraph on or before June 30, 2002.

inequitable, unduly burdensome or contrary to the public interest, or the applicant has no reasonable alternative.

47 C.F.R. § 1.925(b).

This waiver request of ComScape complies with Section 1.925(b)(3). Under subsection (i), the underlying purpose of the rule would be frustrated by application to the instant case because ComScape, as a small, rural carrier was unable to obtain information from Ericsson as to whether its switch is capable of delivering 911 calls to the PSAP from TTY devices.

Under subsection (ii), application of the rule would be inequitable and unduly burdensome because, as a small, rural carrier ComScape was unable to obtain information from Ericsson as to whether its switch is capable of delivering 911 calls to the PSAP from TTY devices. Additional time is now needed so that ComScape can either confirm that its switch is capable of delivering 911 calls from TTY devices or order and install the necessary software to make this possible.

Although to receive a waiver, a petitioner need only fulfill the requirements of *either* subsection (i) *or* (ii), in this case ComScape has fulfilled the requirements of *both* subsections. Moreover, ComScape's waiver request is consistent with the waivers recently granted to rural carriers in *Revision of the Commission's Rules to Ensure Computability with Enhanced 911 Calling Systems*, CC Docket No. 94-102, Order, DA 02-15400, released June 28, 2002. Therefore, ComScape has justified its waiver request and asks that it be granted.

Please address any inquiries regarding this matter to the undersigned.

Respectfully submitted,

/s/

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Cc: Qualex International (by e-mail)
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